

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAVAUGHN K. ROBINSON,
Plaintiff,
v.
SCOTTINI,
Defendant.

No. 2:22-cv-1641 KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se, in an action brought under 42 U.S.C. § 1983. On November 2, 2023, plaintiff filed a motion styled, “Plaintiff’s Motion to Modify Discovery and Scheduling Order and Signed Under Penalty of Perjury.” (ECF No. 34.) Plaintiff seeks reconsideration of the court’s prior order denying plaintiff’s request to extend the discovery deadline. Plaintiff explains the mental health difficulties plaintiff has endured over the last sixty days and claims it “takes up to 4 months for requested files to be obtained and months for documents to be copied.” (ECF No. 34 at 3.) Plaintiff states that plaintiff’s copy of the court’s discovery order was destroyed or “tarnished,” and plaintiff did not realize that the cut off date was 60 days not 45. (Id.)

However, plaintiff does not identify what files were requested or what documents needed to be copied. Plaintiff also fails to identify what documents plaintiff allegedly needs to discover. Indeed, plaintiff has been deposed, and plaintiff already filed a motion for summary judgment, so


1 it is unclear what additional discovery plaintiff needs. Further, as explained in the October 3,
2 2023 order, plaintiff was required to propound all discovery requests on or before August 20,
3 2023, which date expired before the sixty day period of mental health issues plaintiff has
4 currently been suffering. The undersigned is sympathetic to plaintiff's mental health issues, but
5 plaintiff is required to demonstrate good cause for extending the discovery deadline. Without
6 specific facts as to what discovery plaintiff seeks, the court is unable to evaluate whether plaintiff
7 has good cause to extend the discovery deadline.

8 Considering plaintiff's current mental health issues, the court will grant plaintiff an
9 extension of time to file a reply to defendant's opposition to plaintiff's motion for summary
10 judgment, which is currently due on November 16, 2023. Plaintiff is granted until December 30,
11 2023, in which to file the reply.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. Plaintiff's motion to extend the discovery period (ECF No. 34) is denied; and
14 2. Plaintiff is granted until December 30, 2023, in which to file a reply to defendant's
15 opposition to plaintiff's motion for summary judgment.

16 Dated: November 7, 2023

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18 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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